IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 318 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

STATE OF GUJARAT - Applicant(s)
Versus
ABBASBHAI RAHIMBHAI MANSURI - Respondent(s)

==========

Appearance :
MS MEETA PANCHAL APP for Applicant(s) : 1,
MR PRAKASH K JANI for Respondent(s) : 1,

==========

CORAM : HONOURABLE MR.JUSTICE BANKIM.N.MEHTA

Date : 20/07/2007

ORAL JUDGMENT

1. The applicant – State has preferred this Revision Application u/s 397 read with Section 401 of the Code of Criminal Procedure, 1973

and challenged the order passed by the learned Addl. Sessions Judge, Mehsana below Exh.6 in Criminal Misc. application No. 24 of 2001 on 4-4-2001 allowing the respondent to take custody of muddamal Vehicle bearing Registration No. RJ-2X-134 seized by Unjha Police Station in connection with the offence registered as CR No. 103 of 2000 registered with Unjha Police Station for the offence punishable under the provisions of the Essential Commodities Act.

2. The respondent moved an application u/s 451 of the Code of Criminal Procedure, 1973 before the Sessions Court, Mehsana to take custody of aforesaid muddamal vehicle seized by Unjha Police Station.

3. The learned trial Judge after hearing the learned A.P.P. for the State and the learned advocate for the respondent allowed the application and passed order dated 24-4-2001 to hand over custody of the muddamal vehicle in question to the respondent on certain conditions. Being aggrieved with order dated 24-4-2001 passed below Exh. 6 in Criminal Misc. application No.24 of 2001, the State has

preferred this revision application.

4. Heard the learned A.P.P. for the applicant State and learned advocate for the respondent at length and in great detail.

5. It appears that the respondent is the owner of muddamal Vehicle bearing Registration No. RJ-2X-134. The learned trial Judge after considering the facts and circumstances of the case found that if muddamal Vehicle bearing Registration No. RJ-2X-134l is allowed to remain in the police station, the same would become useless. It also appears that the muddamal vehicle in question stands in the name of the respondent in the Registration Book issued by the Regional Transport Officer, Mehsana. The learned trial Judge imposed reasonable conditions upon the respondent with regard to the muddamal vehicle. In the decision in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat, reported in (2002) 10 Supreme Court Cases 283,** the Hon'ble Supreme Court laid down law with regard to exercise of power u/s 451 of the Code of Criminal Procedure, 1973. The Court also laid down procedure for custody and disposal of

valuable articles and currency notes, vehicles etc.

6. In view of above referred decision, the learned Judge was justified in exercising the power u/s 451 of the Code of Criminal Procedure, 1973 and no error is committed by the learned Judge in passing the impugned order. Therefore, the revision application stands fails and dismissed. Rule stands discharged.

(Bankim N. Mehta, J.)

/JVSatwara/